

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FRANCISCO VASQUEZ, §
§
Petitioner, §
VS. § CIVIL ACTION NO. C-10-284
§
RICK THALER, §
§
Respondent. §

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the McConnell Unit in Beeville, Texas (D.E. 1). Though petitioner does not state the nature of his crime, he does state that he was convicted by a jury and sentenced to serve ninety-nine (99) years on June 20, 2005, in the 398th District Court of Hidalgo County, Texas (D.E. 1 at 2).

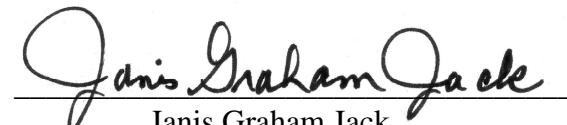
A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in the McAllen Division of the Southern District of Texas. 28 U.S.C. § 124(b)(7).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in Hidalgo County, it is more convenient for the action to be handled in the McAllen Division of the Southern District of Texas. The records of his conviction, the prosecutor

and defense lawyer, and the witnesses are all located in the McAllen Division of the Southern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, McAllen Division. All pending motions are denied as moot but subject to re-urging after the case is transferred.

SIGNED and ORDERED this 1st day of September, 2010.



Janis Graham Jack
United States District Judge